

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

John Ray Dowdle, a/k/a John R. Dowdle,)	
)	C/A No. 6:10-0159-MBS-WMC
Plaintiff,)	
)	
vs.)	ORDER
)	
Sheriff Bill Blanton, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff John Ray Dowdle is a pretrial detainee who currently is housed at the Cherokee County Detention Center in Gaffney, South Carolina. Plaintiff, proceeding pro se, filed a complaint pursuant to 42 U.S.C. § 1983 on January 27, 2010. Plaintiff alleges that his constitutional rights have been violated in various respects.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. On March 11, 2010, the Magistrate Judge issued a Report and Recommendation in which he noted that Cherokee County Detention Center is a facility and not a “person” for purposes of § 1983. The Magistrate Judge further noted that “All Officers, Medical Staff, Kitchen Staff, and Mail Staff” are not identifiable persons. Accordingly, the Magistrate Judge recommended that Defendants “Cherokee County Detention Center, All Officers, Medical Staff, Kitchen Staff, and Mail Staff” be dismissed without prejudice and without issuance and service of process. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). . In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has carefully reviewed the record and adopts the Report and Recommendation. Plaintiff’s complaint is dismissed as to Defendants “Cherokee County Detention Center, All Officers, Medical Staff, Kitchen Staff, and Mail Staff,” without prejudice and without issuance and service of process. The case is recommitted to the Magistrate Judge for further pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

April 29, 2010.